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C O N F I D E N T I A L SECTION 01 OF 02 KUALA LUMPUR 000832

SIPDIS

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TAGS: [KTIP](#) [KCRM](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [MY](#)
SUBJECT: MALAYSIA: HEAD PROSECUTOR ON TIP CASELOAD AND
REQUEST FOR USG TRAINING

REF: A. KL 775 TIP AMBASSADOR CDEBACA'S VISIT TO MALAYSIA
[1](#)B. AUGUST 25-27

Classified By: Political Counselor Brian McFeeters for reasons 1.4 (b)
and (d).

Summary

[1](#)1. (SBU) Summary: PolOff's October 15 meeting with Tun Abd Majid Tun Hamzah, Head of the Prosecution Division, Attorney General's Chambers led to a frank discussion of GOM's current anti-TIP efforts as well as the scheduling of several upcoming TIP training opportunities. Tun Majid explained that since the Anti-TIP Act Of 2007 became law in early 2008, the AG's Chambers has charged 55 cases under the Act and successfully convicted five traffickers. Tun Majid requested, and Embassy KL has agreed to support five successive two-day Anti-TIP training seminars between October 19 and November 3. Tun Majid also confirmed that his office would like to participate in the upcoming U.S. Department of Justice Office of Overseas Prosecution and Development Training (DOJ-OPDAT) currently scheduled for early December in Kuala Lumpur. End Summary.

TIP Cases

[1](#)2. (SBU) In an October 15 meeting with Poloff, AG Chambers prosecution division head Tun Majid provided a statistical summary of cases under Malaysia's 2007 Anti-Trafficking in Persons Act since it was put into effect in early 2008: the AG's Office currently has 484 open TIP investigations; it has charged a total of 55 cases of which 51 relate to sex trafficking while four relate to labor trafficking; five cases have resulted in convictions, 49 are pending, and one had been dismissed when a key witness refused to testify; the cases covered 39 accused persons and involved 77 victims.

[1](#)3. (SBU) PolOff requested information about the five convictions to include factual summaries, specific provisions of law under which the convictions were obtained, and details regarding the sentences the traffickers received. Because the prosecutor who litigated the case was present, the AG's Chambers was able to provide information about one of the cases. On December 7, 2008, Indian national Punitha Raja pled guilty to sexually exploiting her maid into prostitution and was sentenced to eight years in prison. The AG's Chambers said it would provide Post with information regarding the four remaining cases by early November.

[1](#)4. (C) Although the meeting was scheduled to discuss upcoming training opportunities, Tun Majid opened by expressing the frustration his prosecutors face attempting to litigate trafficking cases. He cited the difficulty of presenting a case wherein witnesses, due primarily to fear of retribution or a desire to depart Malaysia, refused to cooperate with prosecutors. He also mentioned difficulties with cross-border issues such as extradition wherein the

traffickers are physically located in a neighboring country. Recalling points made by GTIP Ambassador Cdebaca during his visit end-August (reftel), PolOff suggested that better treatment of TIP victims could lead to better cooperation with prosecutors. PolOff noted that placing them in detention centers and deporting them within 90 days was likely undercutting any attempts to develop cooperation. This led to Tun Majid inquiring about the issuance of T-Visas in the United States.

15. (SBU) Tun Majid followed up with a request for the USG to provide U.S. case law on trafficking and slavery) documents that were offered by Ambassador CdeBaca during his recent visit. PolOff provided him with some information to include an article on United States v. Marcus (08-1341), a sex-slavery case that had been prosecuted under the U.S. Trafficking Victims Protection Act that is currently before the U.S. Supreme Court.

16. (SBU) Tun Majid expressed the desire to have his prosecutors receive TIP training by the USG. Tun Majid requested, and Embassy KL has agreed to support five successive two-day Anti-TIP training seminars between October 19 and November 3. The training is being provided to Royal Malaysian Police, Immigration, Maritime Enforcement Agency, Labor Department, and Royal Malaysian Customs and is designed to train first responders on how to recognize potential victims of trafficking. Embassy personnel are participating as facilitators and evaluators during the case studies portion of the training, as are members of the Australian Federal Police.

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17. (SBU) Tun Majid confirmed that his office would like to participate in the upcoming three-day training seminar from the U.S. Department of Justice Office of Overseas Prosecutorial Development, Assistance, and Training (DOJ-OPDAT) currently scheduled for early December in Kuala Lumpur. This training will include an Assistant U.S. Attorney, FBI Agent, and victims' counselor with working experience litigating human trafficking cases. Tun Majid noted that it was important to have police, TIP shelter staff, and members of the judiciary present for this training and offered his assistance getting members from those agencies to participate. He estimated having 30 to 45 attendees. He further offered a classroom/lecture hall in his office area to serve as the training site.
KEITH